

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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AMERICAN REINSURANCE COMPANY, *et al.*,

Plaintiff,

V.

AMERICAN INTERNATIONAL GROUP and  
TRENWICK AMERICAN REINSURANCE  
CORPORATION

Defendants.  
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Civil Action No. 05-11840-MLW

Plaintiff American Re *et al.*'s Motion to Impound Materials

Pursuant to Local District Court Rule 7.2., American Re *et al.* (the "Facility Members")  
move that the Court enter an order permitting the following documents to be filed and maintained  
under seal until further Order of the Court:

1. Memorandum of Law in Support of Plaintiff's Motion for Remand to the Superior Court of Massachusetts
2. Affidavit of Steven L. Schreckinger in Support of the Memorandum of Law in Support of Plaintiff's Motion for Remand to the Superior Court of Massachusetts (including all exhibits thereto)

As grounds for this motion, the Facility Members state that there is "good cause" for the above referenced materials to be filed under seal and not to be disclosed to any persons or entities that are not parties to this action because they contain documents and other information relating to confidential arbitration proceedings that are currently pending between the Facility Members and the AIG Subsidiaries. While these documents are relevant and necessary for the Court to consider in ruling upon the Facility Members Remand Motion filed herewith, there is no reason for these materials to be in the public record. Doing so would be inconsistent with the confidential nature of

the arbitration proceedings. In further support of this motion, the Facility Members show as follows:

1. In their Remand Motion, the Facility Members were required to submit certain facts, information and documents relating to (or that have been filed in) the pending arbitration in order to rebut certain claims made by defendants and to support other facts stated by the Facility members. These documents were submitted to the Arbitration Panel or exchanged by the Parties to the Arbitration on a confidential basis and the Court should take reasonable and necessary steps to ensure that this information is kept confidential.

2. Although the exact language of the Confidentiality Agreement is currently before the Arbitration Panel for decision, the Parties to the Arbitration have agreed to keep all Arbitration Information confidential from the outside world.


3. Since the Parties to the Arbitration have already agreed that information and documents relating to the pending Arbitration should be maintained as confidential, the Court should honor that agreement and preserve the confidentiality of the documents and other information submitted by the Facility Members in support of their Remand Motion.

4. Pursuant to Local District Court Rule 7.2(a), the Facility Members state that the above-referenced materials should be filed and maintained under seal pending further Order of the Court. Since the Facility Members do not know when the Court will consider and rule upon the Remand Motion, the Facility Members cannot provide the Court with a "statement of the earliest date on which the impounding order may be lifted." In light of the fact that the arbitration is ongoing, the Facility Members respectfully submit that it would be appropriate to impound these materials until the final disposition of this action.

5. Pursuant to Local District Court Rule 7.2(a), the Facility Members submit that there is good cause to permit it to file this motion to impound simultaneously with the materials to be impounded as all other materials relating to the Arbitration and presented to this Court have been similarly impounded.

For the reasons stated above, the Facility Members respectfully request that the Court permit the above-referenced materials to be filed under seal pending further Order of the Court.

By their attorney,

  
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Dated: October 13, 2005

**CERTIFICATE OF SERVICE**

I, Steven L. Schreckinger, counsel for Plaintiffs American Reinsurance Company, *et al.*, hereby certify that on October 13, 2005, I caused a copy of the foregoing document to be served by overnight delivery on all known counsel of record.

  
Steven L. Schreckinger